

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

United States of America, _____)
)
)
)
v.) Criminal No. 17-274 _____
)
Michael Ginyard _____)
)

Defendant.)

HEARING ON: Sentencing

Craig Haller _____

Frank Walker _____

Attorney for Gov't

Attorney for Defendant

Date May 2, 2023

Hearing began 11:15 a.m.

Hearing concluded 12:30 p.m.

Stenographer Debbie Betzler

Law Clerk Mark Hall

Probation Officer Larry Harkins

The court addressed Defendant's recently-filed motions: (1) The government to respond to the Rule 41(g) motion or seek an extension by 5/23/23. Counsel to meet and confer to resolve it; (2) The court and probation office agree with Defendant's factual updates about the lack of state detainers and earning his GED, and that these convictions do not make him ineligible for federal benefits. The court and probation office disagree with defendant's objections about his career offender status and use of the Table in USSG 4B1.1(c)(3); (3) the court denies the motion for a downward departure but will consider those matters in deciding to grant a variance.

Defendant sworn in. Defendant indicated he reviewed the presentence investigation report ("PIR") and the addendums and discussed the report and addendums with his attorney. The defendant and government had no further objections to the PIR (as amended by the second addendum) or TFRs. Defendant preserved his challenge to the convictions at ¶¶ 38 and 41 of the PIR. The court accepted the PIR (as amended by the second and supplemental addendum) and TFRs. Counsel for defendant and the government addressed the court. Defendant addressed the court. The court sentenced defendant to a total term of imprisonment of 130 months (70 months at counts 1, 3 and 4 and a consecutive 60 months at count 5). Defendant was sentenced to 6 years supervised release at counts 1, 3 and 4, and 5 years at count 5, all to run concurrent. No fine was imposed. Restitution was not applicable. Forfeiture was ordered. Defendant to pay a special assessment of \$400. The court explained the reasons for the sentence and considered the

factors set forth in 18 U.S.C. § 3553(a), including the advisory guidelines range set forth by the United States Sentencing Commission. Appeal rights were stated. Defendant remanded to US Marshal. Government motion to dismiss counts 2 and 6 granted. Sentencing hearing adjourned.
All as further stated on the record.